



# Legislative Research Council

# MINUTES

## State-Tribal Relations Committee

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Senator Jim Bradford, Chair  
Senator Stan Adelstein, Vice Chair

Third Meeting  
2013 Interim  
November 14, 2013

Lower Brule Sioux Tribe  
Administrative Building  
Lower Brule, SD

### Thursday, November 14, 2013

The third meeting of the Legislature's State-Tribal Relations Committee for 2013 began at the Lower Brule Sioux Tribe Administrative building in Lower Brule at 9:30 am. **Senator Jim Bradford**, Chair, called the meeting to order and a quorum was determined with the following members answering the roll call: Senators Jim Bradford, Ernie Otten, and Craig Tieszen and Representatives Troy Heinert, Elizabeth May, and Mike Verchio. Members excused: Senators Billie Sutton and Stan Adelstein; and Representatives Kevin Killer and Lee Qualm. Staff member present was Tom Magedanz, Principal Research Analyst, Legislative Research Council.

(**NOTE:** For the sake of continuity, the following minutes are not necessarily in chronological order. All referenced documents are on file with the Master Minutes.)

Senator Bradford welcomed everyone to the meeting. An opening prayer was offered by Chairman Michael Jandreau, Lower Brule Sioux Tribe.

### Approval of Minutes

**REPRESENTATIVE MIKE VERCHIO MOVED, SECONDED BY SENATOR CRAIG TIESZEN, THAT THE MINUTES OF THE SEPTEMBER 26, 2013, MEETING OF THE STATE-TRIBAL RELATIONS COMMITTEE BE APPROVED. The motion prevailed on a voice vote.**

### Chairman Michael Jandreau, Lower Brule Sioux Tribe

**Chairman Michael Jandreau**, Lower Brule Sioux Tribe, discussed the tribe's relationship with the state and the need to make that relationship more significant. He said that we are distinct from each other but we are also interdependent. He said the tribe needs state assistance in areas such as highways and transportation and cited the need to move agricultural products to market. He also suggested that the state and the tribes might be able to work together on bonding projects. He also feels the tribes have things that could be developed for foreign markets and that the tribes could be included in some of the state's initiatives for foreign trade. He said that the creation of a state Department of Tribal Relations is a positive step but more needs to be done to foster the relationship.

**Representative Mike Verchio** commented that state government tends to focus on a total state, one-size-fits-all model but should be working with tribes on an individual basis. Chairman Jandreau agreed, saying that groups develop at different rates and that it would be good for the state and tribe to develop projects cooperatively. The committee discussed the role of the Department of Tribal Relations and Chairman Jandreau said there is a need to identify the full role and focus of the department. Senator Bradford said that he would like to be informed when the department or other state agencies are

meeting in his area and noted that people in off-reservation areas are often more strongly affected by state action than those on the reservations.

**Representative Troy Heinert** and **Representative Elizabeth May** also expressed the desire to be notified of state and tribal meetings in their areas. Representative Heinert stated that the position of department secretary is a difficult one because the state administration and the tribes are far apart on many issues. He also asked whether the tribe is involved with Medicaid expansion and the Affordable Care Act. Chairman Jandreau said that they are finalizing review of their facility and service unit. He also said that there have been many state efforts on working with tribes in health care but no consistent attempt.

**Senator Craig Tieszen** asked about the unique aspects of the Lower Brule Tribe and Reservation. Chairman Jandreau said that the original reservation was at a different location but the boundary was moved in the 1880s, which left some tribal members in the Rosebud tribal area. The construction of the Missouri River dams also caused disruption for the tribe. He said that Lower Brule's agricultural operations are important and that the tribe is one of the largest producers of popcorn in the nation. Representative Heinert asked if there is any particular issue to be addressed in the upcoming legislative session. Chairman Jandreau answered that there needs to be an activity or event for interaction between legislators and tribal leaders, rather than just a committee meeting. It is necessary to open the lines of communication and information to keep people in the loop. Representative May stated that it is difficult to explain the situation on reservations because of sovereignty issues. Chairman Jandreau said that each tribe is different and noted that the tribe generates taxes for the state. He said that Lower Brule has not chosen to enter into a tax collection agreement with the state because of sovereignty issues.

Chairman Jandreau also discussed the proposal for a tribal casino-hotel-event center on tribal land near Oacoma. He said this project would be a significant economic development and employment opportunity for both Native and non-Native people and communities. He would like the legislature to consider the proposal. Representative Heinert asked whether the Lower Brule Sioux Tribe has a tribal college. Chairman Jandreau answered that they do have a tribal college that is affiliated with Sinte Gleska University at Rosebud, but noted that there is no state assistance to the college to compensate for non-Native students who are enrolled there. Representative May asked whether the tribe assists businesses and business development. Chairman Jandreau answered that there is a tribal match for businesses and said that the tribe also gives grants and scholarships.

### **Chief Judge Lori Miner, Lower Brule Sioux Tribal Court**

**Chief Judge Lori Miner**, Lower Brule Sioux Tribal Court, has served thirteen years as a tribal judge. She stated that the tribal court has the capability to do many things that state courts can do including use of electronic databases and synthetic drug testing. There is a need and opportunity for tribal and state law enforcement to work together on synthetic drug and meth problems, which are both serious issues on the reservation. She discussed the tribe's probation program and said the tribe has a limited relationship with state probation agencies. They also participate in a 24/7 alcohol monitoring program and "scram" bracelets for alcohol monitoring under a state contract. She said that the court works with the state when feasible. Lower Brule has an extradition process, which is a unique government-to-government relationship that she regards as an expression of the tribe's sovereignty, rather than any loss of sovereignty. She has concerns about the human services sector of state government and noted that is easier to work with Sanford on substance abuse commitments than with the state. She stated that tribal people are not getting adequate service at the Human Services Center.

Judge Miner discussed child protection issues and said that Lower Brule works with the Department of Social Services for this. She feels that the state will not become involved except in extreme situations

and believes that DSS needs to respond more quickly in some situations. She would like the tribe to consider implementing its own child protection services program. She strongly favors placing children with family and in tribal settings but feels that state regulations on foster homes are not compatible with typical Native American housing and would like to see exceptions to some of those regulations. She said some potential foster parents worry about background checks and noted that tribal convictions are sometimes obtained without counsel for the defendant. She would support a provision allowing tribal foster care licensing for persons who have a clean record for five years. She also discussed economic development needs on the reservation and spoke in favor of the proposed tribal casino at Oacoma.

Senator Tieszen asked whether the tribal court works with the state on protection orders. Judge Miner responded that there is a need to get tribal protection orders onto the state data system. On child support orders, she said communication is needed between state and tribal courts to share information on compliance and payment. Representative Verchio asked how the extradition policy functions and said that in some cases of Native on Native crime the person goes to the reservation and the county is unable to go after him. Judge Miner said there have been five extradition requests that she is aware of and the tribal council has granted all of them. Senator Bradford stated that the Oglala Sioux Tribe does not allow extradition because of concerns about sovereignty. Senator Bradford and Representative May discussed mental health services and asked how billing is handled. Judge Miner responded that the Indian Health Service is billed first, but there is much confusion as to who pays. Judge Miner stated that she likes the concept of a halfway house on the reservation for state prisoners on parole coming to the reservation, rather than doing it off-reservation in Sioux Falls where it is more difficult to readjust. Senator Tieszen asked whether Lower Brule was part of the discussion for a pilot project for parole on the reservation under the 2013 criminal justice legislation, and Judge Miner said she hoped the pilot project would have come to Lower Brule but went elsewhere.

### **Ms. Claire Green, Cultural Resources Officer, Lower Brule Sioux Tribe**

**Ms. Claire Green**, Cultural Resources Officer, Lower Brule Sioux Tribe, discussed her office's programs and activities. She handed out a packet of information about the Lower Brule Sioux Tribe and some of its attractions (**Document #1**). Ms. Green's position is not a Tribal Historic Preservation Officer because federal regulations and requirements confine that position to a more narrow scope of activities. The Lower Brule Cultural Resources Office is broader and deals with historical, archeological, environmental, and natural resources. The tribe has several protected cultural areas and the office is involved in many projects in other areas. Ms. Green would like the state to take a more supportive role in development and environmental issues, such as fracking. Her office conducts education programs to preserve Native traditions and history and does a significant amount of preservation work, including old churches and cemeteries of old communities. The office also does some work with tourism projects. They are involved with the Corps of Engineers in Missouri River erosion control efforts and stabilization of land at cultural sites. They would like to be able to work with South Dakota Game, Fish and Parks on stabilization efforts, but have sometimes had trouble maintaining communication with the department. Another area of concern is enforcement of game laws, which needs to be done cooperatively with GFP, the BIA, and USFW. They would like to partner with the state on a variety of issues.

Representative May asked what the committee could do to help the tribe. Ms. Green answered that the committee could pressure the Department of Tourism to provide assistance, such as a grant program, for tribal tourism, and they would also like to be able to deal more effectively with Game, Fish and Parks on erosion control and other issues. Senator Bradford asked about the status of the proposed casino at Oacoma. Ms. Green answered that the tribe has land in trust that could be used for this project and they have tried to advise the local community about the tribe's plans. The casino and convention center could help the local economy and provide jobs in the area.

## Public Testimony

**Ms. Rhonda Hawk**, Crow Creek Sioux Tribe, works with Head Start, after-school programs, and other youth programs on the Crow Creek Reservation. She suggested that some left-over state TANF money could be used to fund Boys and Girls Clubs for Native American youth. Senator Tieszen asked how many kids are served by the clubs, and Ms. Hawk answered that there are four units on Crow Creek that serve 502 kids per year. They serve meals at two of the facilities. Ms. Hawk also distributed a packet of information by Hunkpati Investments, Inc. (**Document #2**) and explained that Hunkpati Investments is a community development financing institution (CDFI) for the Crow Creek Sioux Tribe, making loans for businesses and economic development. Ms. Hawk stated that she would like to have a legislative day at the capitol in Pierre to focus on business and economic development.

## Adjournment

**MOTION BY REPRESENTATIVE VERCHIO, SECONDED BY SENATOR TIESZEN THAT THE MEETING BE ADJOURNED.** The motion prevailed on a voice vote. The meeting was adjourned at 2:30 pm.

## Tour of Facilities at Lower Brule

Following adjournment, the committee toured several areas at Lower Brule including the Lower Brule Sioux Tribe's law enforcement and corrections facility which was constructed in 2007, Lakota Foods popcorn processing plant, a replica of an Arikara earth lodge of the type found in the area before the arrival of the Lakota people, and a look at areas along the Missouri River suffering severe shore erosion. The tours concluded at 4:30 pm.



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